

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2013, Legislative Day No. 2

Bill No. 6-13

Mr. Tom Quirk, Chairman
By Request of County Executive

By the County Council, January 22, 2013

A BILL
ENTITLED

AN ACT concerning

Health Care Review Committee

FOR the purpose of establishing in county statutory law that the Health Care Review Committee is the sole bargaining agent for health care for county employees; providing that health benefits shall be uniform for all categories of employees; providing that certain disputes between the Health Care Review Committee and the County Administration may be resolved through the mediation, fact-finding and Arbitration panel processes; providing for the effective date of a portion of this Act; providing for a limitation on the intent of this Act; and generally relating to the powers and duties of the Health Care Review Committee.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 (B) THE FURTHER INTENT OF THIS SUBTITLE IS TO ACKNOWLEDGE THAT,
2 SINCE AT LEAST 1994, AS EMBODIED IN NUMEROUS MEMORANDA OF
3 UNDERSTANDING AND BY AGREEMENT OF SUCCESSIVE COUNTY
4 ADMINISTRATIONS AND EMPLOYEE ORGANIZATIONS, THE HEALTH CARE
5 REVIEW COMMITTEE HAS BEEN THE SOLE HEALTH CARE BARGAINING AGENT
6 FOR COUNTY EMPLOYEES.

7 § 4-3-502.

8 THERE IS A HEALTH CARE REVIEW COMMITTEE AS ESTABLISHED IN THE
9 MEMORANDA OF UNDERSTANDING BETWEEN THE COUNTY ADMINISTRATION
10 AND THE EMPLOYEE ORGANIZATIONS.

11 § 4-3-503.

12 (A) THE EMPLOYEE REPRESENTATIVES ON THE HEALTH CARE REVIEW
13 COMMITTEE SHALL COLLECTIVELY BE CONSIDERED THE BARGAINING AGENT
14 ON HEALTH CARE ISSUES.

15 (B) THE HEALTH CARE REVIEW COMMITTEE SHALL ENSURE THAT HEALTH
16 BENEFITS OFFERED TO EMPLOYEES WHO ARE COVERED BY THE HEALTH
17 INSURANCE FUND ARE UNIFORM ACROSS ALL CATEGORIES OF EMPLOYEES
18 COVERED.

1 § 4-3-504.

2 (A) IF THE COUNTY ADMINISTRATION AND THE HEALTH CARE REVIEW
3 COMMITTEE ARE UNABLE TO REACH AN AGREEMENT ON HEALTH BENEFITS TO
4 BE OFFERED TO EMPLOYEES BY FEBRUARY 1, THEY SHALL SUBMIT THEIR
5 DISPUTE TO THE MEDIATION, FACT-FINDING, AND ARBITRATION PANEL
6 PROCESSES IN §§ 4-5-402 THROUGH 4-5-407 OF THIS ARTICLE.

7 (B) THE HEALTH CARE REVIEW COMMITTEE SHALL ONLY ACT
8 COLLECTIVELY IN A DISPUTE SUBMITTED TO THE MEDIATION, FACT-FINDING,
9 AND ARBITRATION PANEL PROCESSES IN §§ 4-5-402 THROUGH 4-5-407 OF THIS
10 ARTICLE.

11 § 4-5-401.

12 (A) [This] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS
13 subtitle does not apply to all sworn uninformed classes of merit system employees of:

14 (1) The Police Department on pay schedule IV of the County Classification
15 and Compensation Plan; and

16 (2) The Fire Department on pay schedule V of the County Classification and
17 Compensation Plan.

18 (B) THIS SUBTITLE APPLIES TO A DISPUTE SUBMITTED BY THE COUNTY
19 ADMINISTRATION AND THE HEALTH CARE REVIEW COMMITTEE AS PROVIDED IN
20 § 4-3-504 OF THIS ARTICLE.

1 § 4-5-405.

2 (a)(1) If the county administration and the exclusive representative are unable to reach an
3 agreement on wages, hours, or terms and conditions of employment by February 1, they shall
4 submit their dispute to mediation by a third party.

5 (2) IF THE COUNTY ADMINISTRATION AND THE HEALTH CARE
6 REVIEW COMMITTEE ARE UNABLE TO REACH AGREEMENT BY FEBRUARY 1,
7 THEY SHALL SUBMIT THEIR DISPUTE TO MEDIATION BY A THIRD PARTY.

8 § 4-5-406.

9 (a)(1)(I) If the county administration and the exclusive representative are unable to
10 reach an agreement in mediation by February 20, by mutual agreement, they shall select a fact
11 finder.

12 [(2)] (II) If more than one exclusive representative is involved in the
13 dispute, for purposes of this section, they shall act as a group.

14 (2) IF THE COUNTY ADMINISTRATION AND THE HEALTH CARE
15 REVIEW COMMITTEE ARE UNABLE TO REACH AN AGREEMENT IN MEDIATION BY
16 FEBRUARY 20, BY MUTUAL AGREEMENT, THEY SHALL SELECT A FACT FINDER.

17 (b) If the county administration and the exclusive representative OR THE COUNTY
18 ADMINISTRATION AND THE HEALTH CARE REVIEW COMMITTEE, AS APPLICABLE,
19 are unable to agree on the selection of the fact finder within 3 working days, the parties shall
20 select a fact finder from a panel of neutrals maintained by a mutually acceptable impartial third

1 party agency.

2 (d)(1) In making the findings and recommendations required under this section, the fact
3 finder shall take into consideration, among other pertinent factors:

4 [(1)] (I) Wages, benefits, hours, and other working conditions of other
5 county employees both in the county and in other similar political subdivisions of the state;

6 [(2)] (II) Wages, benefits, hours, and other benefits available to or received
7 by county employees as compared with private sector employees in the county;

8 [(3)] (III) Cost-of-living data; and

9 [(4)] (IV) The availability of funds.

10 (2) IN ADDITION TO THE PROVISIONS OF PARAGRAPH (1) OF THIS
11 SUBSECTION, IN MAKING THE FINDINGS AND RECOMMENDATIONS IN A DISPUTE
12 BETWEEN THE COUNTY ADMINISTRATION AND THE HEALTH CARE REVIEW
13 COMMITTEE REQUIRED UNDER THIS SECTION, THE FACT FINDER SHALL TAKE
14 INTO CONSIDERATION, AMONG OTHER PERTINENT FACTORS:

15 (I) HEALTH COVERAGE COSTS;

16 (II) NEW AND DIFFERENT BENEFIT OFFERINGS;

17 (III) PLAN DESIGNS; AND

18 (IV) COST CONTAINMENT MEASURES.

19 (e) (1) Copies of the fact finder's findings and recommendations shall be sent to
20 the County Executive, any exclusive representative involved, THE HEALTH CARE REVIEW

1 COMMITTEE, IF APPLICABLE, each member of the County Council, and the mediator.

2 § 4-5-407.

3 (a) If the county administration and the exclusive representative OR THE COUNTY
4 ADMINISTRATION AND THE HEALTH CARE REVIEW COMMITTEE, AS APPLICABLE,
5 are unable to resolve their dispute after mediation and fact-finding, the Arbitration Panel shall be
6 convened and shall:

7 (1) Meet with the negotiating parties, separately or together, and review the
8 positions of each; and

9 (2) Before April 5, submit to the County Executive its recommendations for
10 the County Executive's consideration.

11 (b) The County Executive shall:

12 (1) [Review] REVIEW, AS APPLICABLE:

13 (i) The final recommendations of the Arbitration Panel;

14 (ii) The written recommendations of exclusive representatives that are
15 parties to the dispute;

16 (iii) THE WRITTEN RECOMMENDATIONS OF THE HEALTH
17 CARE REVIEW COMMITTEE;

18 (IV) The county administration's recommendations; and

19 [(iv)] (V) The fact finder's report; and

1 representatives of the county representation units that provide for the establishment and
2 responsibilities of the Heath Care Review Committee. The County Council further finds that it is
3 not the intent of this Act to establish health care benefits as a statutory or vested right of
4 employees of the county.

5 SECTION 4. AND BE IT FURTHER ENACTED, that Section 2 of this Act shall take
6 effect April 1, 2014.

7 SECTION 5. AND BE IT FURTHER ENACTED, that this Act, having passed by the
8 affirmative votes of five members of the County Council, shall take effect on March 4, 2013.